

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                       |   |              |
|-----------------------|---|--------------|
| SALEEM BEY,           | : |              |
| Petitioner,           | : | CIVIL ACTION |
|                       | : | No. 13-5848  |
| v.                    | : |              |
|                       | : |              |
| LOUIS FOLINO, et al., | : |              |
| Respondents.          | : |              |

**ORDER**

AND NOW, this 8<sup>th</sup> day of July, 2015, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of the United States Magistrate Judge Timothy R. Rice and Petitioner's objections to the Report and Recommendation, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.<sup>1</sup>
2. The petition for writ of habeas corpus is **DENIED** and **DISMISSED**.
3. There is no basis for the issuance of a certificate of appealability.

s/Anita B. Brody

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ANITA B. BRODY, J.

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<sup>1</sup>I adopt the facts in the Report and Recommendation as discussed on pages 1-3 and 17-25 and agree with Magistrate Judge Rice's conclusion that the state court's determination that there was overwhelming evidence of guilt was not unreasonable. I adopt the conclusion in the Report and Recommendation that many of the trial counsel ineffective assistance of counsel claims are procedurally defaulted. To the extent that any of Petitioner's ineffective assistance of trial counsel claims are not procedurally defaulted, there is no reasonable probability that the outcome of the trial would have been different because there was overwhelming evidence of guilt. Thus, Petitioner cannot succeed on his ineffective assistance of trial counsel claims because he cannot establish that he suffered prejudice.